IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2503 OF 2007

Dukhtari A. Khan of
M/s. Royal Hotel. ..Petitioner.

V/s.

State of Maharashtra & Ors. ..Respondents.

Mr.Pankaj Kansara i/b. Kansara & Thanekar for petitoner.

Mr.Shekar Ingawale, AGP for respondent.

CORAM: A.M.KHANWILKAR,J

DATE : NOVEMBER 30, 2007.

P.C. :

1. Counsel for the Respondent has rightly invited my attention to the Order passed by this Court on 30/10/2007 in Writ Petition No.8091 of 2007. The same Petitioner had earlier approached this Court for direction against the State Government to pass appropriate order on the stay application forthwith. That Writ Petition was filed on the Appellate side of this Court. There can be no justification for the same Petitioner to now file Writ Petition on the original side. Explanation offered by the Counsel for the Petitioner for filing Writ Petition on the original side, which is directed against the Order dated 29th October, 2007 passed by the State

Government, in my view, cannot be countenanced.

2. The Counsel for the Petitioner at this stage submits that the Petitioner be permitted to withdraw this proceedings with liberty to move Writ Petition on the appellate side of this Court. The Petition is permitted to be withdrawn with liberty as above said.

(A.M.KHANWILKAR,J)